

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUS GERARD LAVERRIERE,

Petitioner, No. 2:13-cv-00633 DAD P

vs.

STATE OF CALIFORNIA,

Respondent. ORDER

Petitioner has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner is presently confined at Atascadero State Hospital which is located in San Luis Obispo County. In his petition, petitioner alleges that in February of 2009 he was convicted of carjacking and sentenced to a ten year term in the Santa Cruz County Superior Court. It appears that in the pending federal habeas petition petitioner seeks to challenge that judgment of conviction

The general rule with regard to habeas applications is that both the United States District Court in the district where petitioner was convicted and the District Court where petitioner is incarcerated have jurisdiction over the claims. See Braden v. 30th Judicial Circuit

Court, 410 U.S. 484 (1973). In the instant case, petitioner is confined in San Luis Obispo County which is within the Central District of California. However, petitioner's judgment of conviction was entered in Santa Cruz County, an area within the boundaries of the Northern District of California. Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's request to proceed in forma pauperis;
 2. This matter is transferred to the United States District Court for the Northern California. Braden, 410 U.S. at 499, n.15; 28 U.S.C. § 2241(d).

DATED: April 8, 2013.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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